

ASSESSMENT-LEVY-AND-COLLECTION-OF-WATER-FEE-RULES-2022

Uttar Pradesh Shasan Avas Evam Shahri Niyojan Anubhag-I In pursuance of the provisions of clause (3) of Article 348 of Constitution, the Governor is pleased to order the publication of the following English translation of Notification no. 1070/Eight- -22-E-1621680/2022, dated La-August, 2022 NOTIFICATION No. 1070/Eight-I-22-E-1621680/2022 Lucknow; Datedü2—August, 2022 In exercise of the powers under clause (c) of sub-section (2) of section 55 read with sub- section (2A) of section 15 of the Uttar Pradesh Urban Planning and Development Act, 1973 (President's Act No. I I of 1973) and section 21 of the Uttar Pradesh General Clauses Act, 1904 (U.P. Act no. I of 1904), the Govemor is pleased to make the following rules to provide for assessment, levy and collection of water fee, namely : The Uttar Pradesh Urban Planning and Development (Assessment, Levy and Collection of Water Fee) Rules, 2022 Short title, extent and commencement Definitions 1. 2. (I) (2) (3) (I) These rules Inay be called the Uttar Pradesh Urban Planning and Development (Assessment. Levy and Collection • of Water Fee) Rules

2022. They shall be applicable to all the development areas of the State of Uttar Pradesh. They shall come into force with effect from the date of their publication in the Gazette. In these rules, unless the context otherwise requires, (a) 'Act' means the Uttar Pradesh Urban Planning and Development Act, 1973 (President's Act No. 11 of 1973); (b) 'Authority' means the Development Authority constituted under section 4 of the Act; (c) 'Building Permit' means authorization to proceed with construction or reconstruction of a specific building at a particular site in accordance with the building plan approved by the Authority; (2) 3. Levy of Water Fee (d) 'Development Area' means any area declared to be development area under section 3 of the Act; (e) Development permit' means authorization to proceed with development or re-developnment of a specific parcel of land at a particular site in accordance with the layout plan approved by the Authority (f) 'Section' means a section of the Act; (g) 'Water fee' means the fees levied under section 15 upon the person or body for using water supplied by the Authority for building operation or consuuction of buildings. Words and expressions, not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act. Water fee shall be levied in accordance with these niles where an application is submitted to the Authority for obtaining building permit or development permit in respect of a plot or land covered under the schemes of the Authority which have not been transferred to the Local Authority for maintenance: Provided that water fee shall not be levied in the following circumstances:- (a) where the land or plot falls outside the limits of scheme developed by the Authority; or (b) where the land or plot falls within the limits of scheme developed by the Authority but the Authority fails to supply water: Provided further that water fee shall not be levied where an application is submitted within the validity period for revision of building perniit or development permit granted earlier and for which water fee has been paid earlier. In case the validity period is extended, water fee, at the rate applicable on the date of such sanction, shall be levied after adjusting the water fee paid earlier: Provided also that where an application is submitted after the expiry of validity period of building permit or development pennit granted earlier, water fee at the rate applicable on the date of such sanction shall be levied after adjusting the water fee paid earlier. Assessment of Water Fee Rates of Water Fee Payment of Water Fee 4. 5. 6. (i) (2) (2) Explanation : Adjustment of water fee paid earlier shall be made after revising the same in conformity with cost inflation index of the Income Tax Department, Government of India. In case of Development Permit: W here an application is submitted to the Authority for obtaining developrnent permit on a plot or land parcel with the area of 3000 square meters or more covered by the scheme of the Authority, the water fee shall be assessed on the basis of gross area of the plot or land parcel Provided that water fee shall not be levied where an application is submitted to the Authority for obtaining development pennit outside the scheme of the Authority. In case of Building Permit: (a) (b) (c) Where an application is submitted to the Authority for obtaining building permit, the water fee shall be assessed on the basis of total covered area on atl floors including basement of the proposed building. Where an application is submitted to the Authority for raising additional construction in an existing building, the water fee shall be assessed on the basis of proposed additional covered area of the building. Where an application is submitted to the Authority for approval of the compounding plan. the water fee shall be assessed on the basis of the total covered area to be compounded as per the applicable Compounding Bye- laws. In case of development permit, the rate of water fee shall be Rs. 50/- (Rupees

Fifty only) per square meter. In case of building permit, the rate of water fee shall be Rs. 50/- (Rupees Fifty only) per square meter. Subject to the provisions of the Act and these rules the applicant shall pay the full amount of water fee as levied by the Authority, prior to grant of permission under section 15 of the Act: Provided that water fee upto Rs. 10 lakhs (ten lakhs) shall be paid upfront and for an amount higher than the same, Rs. 10 lakhs (ten lakhs) shall be paid upfront and balance amount may be paid in four half-yearly instalments with nine percent annual rate of interest. Revision of the 7. rates of Water Fee Recovery of Arrears Annual Statement of Water Fee 8. 9. of interest. if the applicant furnishes a bank guarantee equivalent to the total amount due or alternatively mortgages saleable land in favour of the Authority as security against the total amount due. The bank guarantee or mortgaged land, as the case may be, shall be released after the payment of full amount: Provided further that in case of default in timely payment of instalments, the applicant in addition to nine percent annual rate of interest, shall be liable to pay a penal interest at the rate of three percent per annum compounded annually. The rates of water fee shall be revised annually by the Authority with effect from 1st of April of every financial year in conformity with the cost inflation index of the Income Tax Department, Government of India. Any amount due to the Authority on account of water fee under these rules shall be recovered in accordance with the provisions of section 40 of the Act. The Vice Chairman of the Authority shall furnish to the Board of the Authority a written statement in respect of water fee for the preceding year, which shall contain information regarding the total amount collected by the Authority. Such a statement shall be furnished, as far as possible, in the first meeting of the Board of the Authority to be held every financial year and its copy shall also be sent to the State Government. o er, (Nitin mesh Gokarn) Principal Secretary .

